

Application No.: 10/773,389

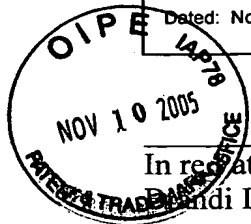
Docket No.: 29939/03004A  
(PATENT)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 7, 2005

Signature:

*Bryan J. Lempi*  
(Bryan J. Lempi)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Brendi Loucks et al.

Application No.: 10/773,389

Filed: February 5, 2004

Art Unit: 3727

For: Laundry Basket with Hip Hugging Feature

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
ACCOMPANYING PETITION TO REVIVE UNDER 37 C.F.R. §1.137(B)**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper accompanies a petition to revive this unintentionally abandoned application. In response to the Notice to File Missing Parts of Nonprovisional Application – Filing Date Granted mailed May 10, 2004, Applicants respectfully submit Combined Declaration and Power of Attorneys executed by two of three co-inventors (with \$130.00 late filing fee deposit account authorization) and Part 2 Copy of Notice.

A Declaration has not been executed by a third co-inventor. As a result, this paper is accompanied by a Petition Under 37 C.F.R. § 1.47(a) relevant to the non-signing third co-inventor, Mr. Frederick J. Reber (Mr. Reber), together with our Deposit Account fee authorization below in payment of the petition fee. The Petition under 1.47(a) is accompanied by three Declarations of Facts under 37 C.F.R. §1.47(a) and appropriate Exhibits.

Application No.: 10/773,389

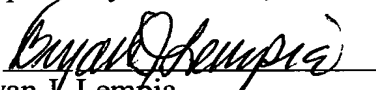
Docket No.: 29939/03004A  
(PATENT)

The Commissioner is hereby authorized to charge Deposit Account No. 13-2855 under Order No. 29939/03004A in the amounts of \$200.00 and \$130.00 covering the fees set forth in 37 C.R.F. §1.17(g) and 1.16(f), respectively. A five (5) month extension fee and request were previously filed in this case on December 10, 2004.

The Director also is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 29939/03004A. *A duplicate copy of this paper is enclosed.*

Dated: November 7, 2005

Respectfully submitted,

By   
Bryan J. Lempia

Registration No.: 39,746  
MARSHALL, GERSTEIN & BORUN  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILED OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/773,389	02/05/2004		29939/03004A

04743  
 MARSHALL, GERSTEIN & BORUN LLP  
 6300 SEARS TOWER  
 233 S. WACKER DRIVE  
 CHICAGO, IL 60606

CONFIRMATION NO. 6345

FORMALITIES LETTER



\*OC000000012566995\*

Date Mailed: 05/10/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Docketed: 7-10-04

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

11/14/2005 TBESHAH1 00000011 132855 10773389

03 FC:1051 130.00 DA

*A copy of this notice **MUST** be returned with the reply.*

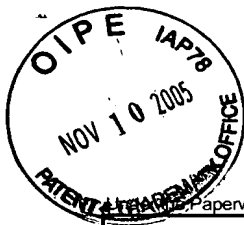


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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/773,389-Conf. #6345
Filing Date	February 5, 2004
First Named Inventor	Brandi Loucks
Art Unit	3727
Examiner Name	Not Yet Assigned
Attorney Docket Number	29939/03004A

**ENCLOSURES (Check all that apply)**

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form   | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input checked="" type="checkbox"/> Fee Attached   | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply   | <input checked="" type="checkbox"/> Petition to Revive Unintentionally Abandoned Application                                   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input checked="" type="checkbox"/> PETITION UNDER 37 C.F.R. 1.47(a) accompanying petition to revive under 37 C.F.R. §1.137(b) | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)   | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request   | <input type="checkbox"/> Terminal Disclaimer   | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request   | <input type="checkbox"/> Request for Refund  | Combined Declaration and Power of Attorney  |
| <input type="checkbox"/> Information Disclosure Statement  | <input type="checkbox"/> CD, Number of CD(s) _____   | Part 2 Copy of Notice   |
| <input checked="" type="checkbox"/> Combined DECLARATION OF FACTS for petition to revive application under 37 C.F.R. 1.137(b) and for petition UNDER 37 C.F.R. 1.47(a) | <input type="checkbox"/> Landscape Table on CD   | Post card   |
| <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application   | Remarks  | Declaration of Facts Under 37 C.F.R. 1.47(a)  |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53  |  | Declaration of Facts Under 37 C.F.R. 1.47(a)  |
|  |  | Petition Under 37 C.F.R. §1.47 for filing by other than all inventors                   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	MARSHALL, GERSTEIN & BORUN LLP		
Signature			
Printed name	Bryan J. Lempia		
Date	November 7, 2005	Reg. No.	39,746

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Dated: November 7, 2005

Signature: (Bryan J. Lempia)



Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b>		<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		Application Number	10/773,389-Conf. #6345
		Filing Date	February 5, 2004
		First Named Inventor	Brandi Loucks
		Examiner Name	Not Yet Assigned
		Art Unit	3727
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Attorney Docket No.	29939/03004A	
<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b> 1,830.00		

**METHOD OF PAYMENT** (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 13-2855 Deposit Account Name: MARSHALL, GERSTEIN & BORUN LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**      **Multiple Dependent Claims**

\_\_\_\_\_ - 20 = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_      **Fee (\$)**      **Fee Paid (\$)**

**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_\_ - 3 = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/50	_____ (round up to a whole number) x _____		

**4. OTHER FEE(S)**

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge):	
Petition Under 37 C.F.R. §1.47 for filing by other than all inventors (Charge Deposit Acct.)	200.00
1051 Surcharge-Late filing fee (Charge Deposit Acct.)	300.00
1453 Petition to revive unintentionally abandoned (check)...	1,500.00

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	39,746
Name (Print/Type)	Bryan J. Lempia	Telephone	(312) 474-6300
		Date	November 7, 2005

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Dated: November 7, 2005      MS Petition      Signature: (Bryan J. Lempia)